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Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY E. BURKE,

Defendant.

NO. CR-06-00113-EFS

NOTICE OF DEFENDANT'S
POSITION

The Court has ordered the parties to file objections before 12 p.m. on Monday, August 1, 2016, to the request of Low for a second 15-day extension for file her Competency Evaluation Report. The undersigned has consulted with the Defendant. The Defendant has no objection to the Court granting the second 15-day extension, however, the Court should grant some latitude to the defense as well. If Dr. Low's report is due on August 22, 2016, the Defendant's expert, Debra Brown, Ph.D., would need an additional 30 days to file her report. This is also based upon the voluminous nature of the records and the ability to adequately respond to Dr. Low's evaluation. It is the understanding of the undersigned that the Court is considering the defense report to be due on September

1 12, 2016, which will be too soon for Dr. Brown to have adequate time to respond. The
2 undersigned also been advised that the Court is considering holding the competency
3 hearing on October 3, 2016 at 9:30 a.m. in Spokane. The Defendant has no objection to
4 this setting on the condition that the hearing would not continue to October 4, 2016. The
5 undersigned leaves Spokane for Washington D.C. on October 4, 2016, for a meeting at
6 the Administrative Office of Courts and will not return to Spokane until October 8, 2016.
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8 The undersigned is a member of the Defender Services Advisory Group and represents
9 the Ninth Circuit Panel Representatives to DSAG.
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12 Counsel for both parties intend to communicate with this Court's staff on Monday
13 morning, August 1, 2016, regarding the schedule in this matter.
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15 RESPECTFULLY SUBMITTED this 29th day of July, 2016.

16 WALDO, SCHWEDA & MONTGOMERY, P.S.

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18 By: /s/ PETER S. SCHWEDA

19 Peter S. Schweda, WSBA #7494

20 Attorney for Defendant Burke
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 29, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the document to the following non-CF/ECF participant(s).

Michael C. Ormsby
United States Attorney
Eastern District of Washington
Stephanie Van Marter
Assistant United States Attorney
Eastern District of Washington
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Spokane, WA 99210

By: /s/Kathleen Schroeder
Legal Assistant